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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,853	01/29/2004	Rodney Darland		2985

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EXAMINER

MORROW, JASON S

ART UNIT PAPER NUMBER

3612

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,853

Applicant(s)

DARLAND, RODNEY

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because in line 9, the period after the word “stroller” should be changed to a comma. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: On page 6, line 13, the phrase “---- long and ---- inches wide” appears to be incomplete. Applicant is reminded that new matter is not permitted to be added by amendment so simply adding dimensions to the phrase will not be acceptable.

Appropriate correction is required.

Claim Objections

3. Claims 1-8 are objected to because of the following informalities: In line 1 of each claim “Stroller Sun Screen” should be changed to --A stroller sun screen--. In claim 2, line 5, the period after the word “stroller” should be deleted. In claim 3, line 3, the word “on” should be changed to --one--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 4, 6, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claims 2 and 6, all of the limitations are directed to a method of using the invention in combination with the stroller. It is thus unclear what is claimed since the preamble of the claim is directed solely to the sun screen.

Claim 4 recites the limitation "screening material" in line 1. There is insufficient antecedent basis for this limitation in the claim. It is suggested the phrase be changed to --screen portion--.

In claim 7, it appears the claim includes dimensions that were not filled in prior submitting the claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Au.

Au discloses a stroller sun screen comprising an elliptical screen portion (8), a spring steel band frame (column 2, line 51), a binding (column 2, line 53) that traps the band frame so that it surrounds the screen portion and encloses the band portion, a pair of hook and loop fastening strips (as seen in figure 2), and the hook and loop fastening strips each attached to the left and right side of the binding.

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The spring steel band is capable of being twisted so that the entire sun screen can be collapsed into a circular shape that is approximately one quarter the size of the fully opened screen (see figure 5).

The screen portion is comprised of a fine mesh material (column 3, lines 7 and 8).

The hook and loop fastening strips are approximately two inches wide and six inches long.

Au does not disclose the binding being sown, the binding being sewn onto the screen portion, the hook and loop fastening strips being sewn to the left and the right side of the binding, the mesh being polyester, or a carry bag for removably retaining the sun screen when in the collapsed position.

Sewing fabric materials, the use of polyester mesh, and carry bags are all old and well known in the art.

It would have been obvious to one of ordinary skill in the art to construct a sun screen, such as that disclosed by Au, by sewing the binding, sewing the binding onto the screen portion, sewing the hook and loop fastening strips to the left and the right side of the binding, as is old and well known in the art, since sewing is a very common and well known method to produce such a product.

It would have been obvious to one of ordinary skill in the art to construct a sun screen, such as that disclosed by Au, using polyester mesh, as is old and well known in the art, since polyester mesh is a commonly available material.

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It would have been obvious to one of ordinary skill in the art to use a sun screen, such as that disclosed by Au, with a storage bag, as is old and well known in the art, since storage bags are commonly provide for removable, temporary use objects.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Garth, McGrath, Jr., Ledakis, and Hsia disclose panels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 29, 2004

Jason S. Morrow
Examiner
Art Unit 3612


JASON MORROW
PRIMARY PATENT EXAMINER

10/29/04